

November 9, 2001

VIA FACSIMILE

Mr. Gregory Pattenaude
State of New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350
Fax # (518) 474-5616

RE: Level 3 Communications's Code Request in Syracuse Rate Center and its
Non-LNP Capable Status

Dear Mr. Pattenaude :

Pursuant to our conversation yesterday, I am faxing a copy of a letter Level 3 Communications, LLC ("Level 3") filed with the New York Public Service Commission ("Commission") on August 29, 2001 which details Level 3's efforts to develop and implement LNP and begin participating in number pooling. Also included are the attachments that originally accompanied this letter which primarily are FCC Ex Parte summary letters Level 3 has filed. Since this letter was filed with the Commission, Level 3 has had another meeting with the FCC regarding this issue and so I am also including a copy of that Ex Parte summary which is dated September 26, 2001. It is also important to note that subsequent to the August 29 letter Level 3 has held lengthy discussions with the Number Pooling Administration arm of Neustar about donating unused one thousand number blocks to number pools. While Level 3 is willing and able to donate unused thousand number blocks, Neustar is concerned with it doing so because of the possibility that default routing would be used when an N-1 carrier may not perform its LNP function properly.

As we discussed yesterday on the phone, Level 3 does not have the option of buying a retail industry-wide LNP solution for its switches. Because of its unique network technology it must develop and then implement an LNP solution itself. While the August 29 letter already contains a statement of the fact that LNP is not technically feasible for Level 3, it bears repeating that based upon the FCC's plenary jurisdiction over numbering resources, the fact that all LNP requirements are qualified by the phrase "to the extent technically feasible" from Section 251(b)(2) of the Act itself, and the language of paragraph 15 of the FCC's Order delegating limited authority to the Commission over numbering administration, it is Level 3 position that the Commission does not have proper authority to deny Level 3's attempt to offer competitive services in the Syracuse rate center because LNP is not technically feasible for Level 3. I appreciate you reviewing these materials and look forward to working toward a solution that would allow Level 3 to begin offering its services that are dependant upon number resources in Syracuse and other New York rate centers.

Sincerely,

Greg L. Rogers
Attorney
Level 3 Communications, LLC

Attachments

CC: Kimberly Miller, Esq. – NANPA
Cheryl Dixon - NANPA